

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

DUNKIN' DONUTS FRANCHISED
RESTAURANTS LLC, *et al.*,

Plaintiffs,

V.

AGAWAM DONUTS, INC., *et al.*,

Defendants.

No. 1:07-cv-11444-RWZ

**EMERGENCY MOTION
FOR LIMITED DISCOVERY**

Plaintiffs (hereinafter “Dunkin”) seeks an order compelling limited discovery, including documents and the deposition of four family members on the week of December 17, 2007. Additionally, Dunkin’ requests that Defendants be required to file any opposition to Dunkin’s motion by 4:00 p.m. on **December 10, 2007.** Dunkin seeks this expedited treatment because of the deponents’ travel arrangements to leave the United States and return to Brazil before the end of this month.

Dunkin' conferred with Defendants' counsel Howard Cooper and Max Stern in an attempt to obtain their assent to the filing of this Motion. On Thursday, December 6, 2007, Dunkin' notified Defendants' counsel about this Motion, the relief being sought, and provided the identity of the deponents. The parties exchanged multiple emails about it that day. At Defendants' request, Dunkin' did not file the Motion on Thursday and conferred again on Friday morning. Defendants agree that the current Scheduling Order permits Dunkin' to notice depositions to be conducted after December 13, 2007. Defendants do not assent to this Motion, the requested relief, or the deadlines sought.

For the reasons stated herein and in the accompanying memorandum of law and Certification of Daniela Brito (filed under seal), Dunkin' respectfully requests that the Court grant its Motion and order the relief sought.

Respectfully submitted,

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Dated: December 7, 2007

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I, Stephen J. Vaughan, hereby certify that on this 7th day of December, 2007, I served a copy of the foregoing on all parties to this action via the court's electronic system to counsel of record and served the Certification of Daniela Brito (with exhibits) by electronic mail.

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